

Case No.: 23-11902-H

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

VERONICA BAXTER, et al.,

Plaintiffs/Appellants,

v.

CARSON HENDREN, et al.

Defendants/Appellees.

Appeal from the United States District Court
for the Middle District of Florida, Orlando Division
Case No.: 6:21-cv-00718-CEM-LHP

**UNOPPOSED MOTION TO FILE
CIVIL APPEAL STATEMENT OUT OF TIME**

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Baxter and Pierce

Case No.: 23-11902-H

Veronica Baxter, et al. v. Carson Hendren, et al.

**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

**Baxter, Veronica, as Personal Representative of the Estate of Angelo J. Crooms
- Plaintiff/Appellant**

Ben Crump Law - Attorneys for Plaintiffs/Appellants

Crump, Ben – Attorney for Plaintiffs/Appellants

**DeBevoise & Poulton, P.A. –
Attorneys for Defendants/Appellees Ivey and Miranda**

Eldridge, Brian – Attorney for Plaintiffs/Appellants

**Florida Sheriffs Risk Management Fund – Liability Coverage for
Defendants/Appellees Ivey and Miranda**

Grant, Jeffrey K. - Attorney for Defendants/Appellees Ivey and Miranda

Green, Cynthia - Great Aunt of Decedent Sincere Pierce

Hart McLaughlin & Eldridge – Attorneys for Plaintiffs/Appellants

Hart, Steven – Attorney for Plaintiffs/Appellants

Hendren, Carson – Defendant in case below

Holborn, II, Robert D. – Attorney for Defendants/Appellees Ivey and Miranda

Ivey, Wayne, Sheriff of Brevard County – Defendant/Appellee

Jackson, Natalie – Attorney for Plaintiffs/Appellants

The Law Office of Natalie Jackson – Attorneys for Plaintiffs/Appellants

Marrese, John – Attorney for Plaintiffs/Appellants

Mendoza, Carlos E. - U.S. District Judge in court below

**Miranda, Evelyn, as Personal Representative of the
Estate of Jafet Santiago-Miranda - Defendant/Appellee**

**Pierce, Al-Quan, as Personal Representative of the Estate of Sincere Pierce -
Plaintiff/Appellant**

Pierce, Quasheda - Mother of Decedent Sincere Pierce

Poulton, Thomas W. – Attorney for Defendants/Appellees Ivey and Miranda

Price, Leslie Hoffman - U.S. Magistrate Judge in court below

Smith, Eric - Father of Decedent Angelo J. Crooms

Strachan, Tasha - Mother of Decedent Angelo J. Crooms

Taylor, George - Father of Decedent Sincere Pierce

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 through 26.1-5, Plaintiffs/Appellants Baxter and Pierce have no corporations to disclose.

**UNOPPOSED MOTION TO FILE
CIVIL APPEAL STATEMENT OUT OF TIME**

Plaintiffs/Appellants Veronica Baxter, as personal representative of the Estate of Angelo J. Crooms, and Al-Quan Pierce, as personal representative of the Estate of Sincere Pierce, by and through their undersigned counsel, respectfully move this Court for leave to file Plaintiffs/Appellants' 11th Cir. R. 33-1(a) Civil Appeal Statement out of time in accordance with this Court's order of June 28, 2023, F.R.A.P. 26(b), and without objection from Defendants/Appellees.

Pursuant to 11th Cir. R. 26-1 and 27-1(5), Plaintiffs/Appellants' counsel, John Marrese, conferred with Defendants/Appellees' counsel, Thomas Poulton, regarding this motion. Mr. Poulton informed the undersigned counsel that Defendants/Appellees do not oppose the relief requested herein. In support, Plaintiffs/Appellants state as follows:

This matter involves an appeal of summary judgment in the district court on Plaintiffs/Appellants' civil rights claims against a sheriff's deputy and county sheriff's department. The claims arise from the shooting deaths of Appellants' teenaged decedents by a sheriff's deputy.

Federal Rule of Appellate Procedure 26(b) states: "For good cause, the court may extend the time prescribed by these rules or by its order to perform any act, or may permit an act to be done after that time expires." Plaintiffs/Appellants have good

cause to file their Civil Appeal Statement out of time.

Plaintiffs/Appellants diligently pursued the underlying litigation to judgment for years, including through fact and expert discovery and summary judgment and *Daubert* motion briefing. With the exception of the civil appeal statement, Plaintiffs/Appellants have continued that effort in this Court. Specifically, Plaintiffs/Appellants timely filed their notice of appeal, appearance, transcript information sheet, certificate of interested persons/corporate disclosure, and completed the CIP web portal portion timely. Plaintiffs/Appellants have also timely responded to the Court's recent jurisdictional statement as well. The failure to timely filed the civil appeal statement was inadvertent oversight on the part of counsel, and counsel respectfully requests that Plaintiffs/Appellants not suffer for that reason.

Furthermore, no party would suffer prejudice of any kind from the filing of the civil appeal statement now. Indeed, Defendants/Appellees do not object to the relief requested here. Additionally, Plaintiffs/Appellants' opening brief is not due until July 31, 2023.

At bottom, Plaintiffs/Appellants respectfully submit that good cause warrants permission to file this civil appeal statement so that a decision on the merits of this appeal can be obtained.

In conjunction with the Court's order of June 28, 2023, ordering that Plaintiffs/Appellants file both a Civil Appeal Statement and Motion to File

Documents Out of Time within 14 days, by July 12, 2023, Plaintiffs/Appellants are filing their Civil Appeal Statement immediately after filing this motion.

WHEREFORE, Plaintiffs/Appellants respectfully request that the Court permit them to file their Civil Appeal Statement out of time.

Date: July 11, 2023

Respectfully submitted,

s/ John Marrese

John Marrese

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Certificate of Compliance With Type-Volume Limit

1. This document complies with the type-volume limit of Fed. R. App. P. 32(a)(5)-(6), the word limit of Fed. R. App. P. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains **449 words**.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using **Microsoft Word in Times New Roman font, 14-point size**.

Date: July 11, 2023

Respectfully submitted,

s/ John Marrese

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Attorney for Plaintiffs/Appellants

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of July 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notice via electronic mail to all counsel of record.

s/ John Marrese _____

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